

United States District Court

United States District Court
Southern District of Texas
FILED

SOUTHERN

DISTRICT OF

TEXAS

AUG 21 2007

Michael N. Milby Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

1. Roberto GARCIA
Roma, Texas
YOB: 1978 29 YOA
United States Citizen

CASE NUMBER: M-07-4265-M

2. Jaime Gonzalez PEREZ
Roma, Texas
YOB: 1978 29 YOA
United States Citizen

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 20, 2007 in Starr County, in the Southern District of Texas defendant(s) did, knowingly and

intentionally possess with the intent to distribute approximately 179.5 kilograms of marijuana, a controlled substance listed under Schedule I, of the Controlled Substance Act

in violation of Title 21 United States code, Section(s) 841.

I further state that I am a(n) U.S. Immigration and Customs Enforcement Senior Special Agent and that this complaint is based on the following facts:

SEE ATTACHMENT A

Continued on the attached sheet and made a part hereof:

☒ Yes

☐ No

Approved:

Robert Weller, AUSA
8/21/07

Duane Cottrell

Signature of Complainant
Duane Cottrell, Senior Special Agent
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

August 21, 2007
Date

at

McAllen, Texas
City and State

Peter E. Ormsby, U.S. Magistrate Judge
Name & Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer

ATTACHMENT A

Before the United States Magistrate Judge, Southern District of Texas, I, Duane Cottrell, Senior Special Agent, U.S. Immigration and Customs Enforcement, being duly sworn, depose and say the following:

On August 20, 2007, United States Immigration and Customs Enforcement Special Agents assigned to the Office of the Resident Agent in Charge Falcon Dam, Texas received anonymous information of a possible narcotics stash house located at 439 Farm to Market Road 649, in rural Roma, Starr County, Texas.

Upon identifying the aforementioned address, Agents observed that the residence appeared to be vacant. Agents approached the front of the residence and overheard the sound of a door slamming inside indicating possible occupants. Agents surrounded the residence to prevent anyone from fleeing the location.

As Agents set up around the residence, they detected a strong odor of what they recognized to be marijuana emanating from within the residence. The odor was coming through an open window located along the front of the residence. Agents maintained the perimeter as they knocked on both the front and side access doors, with no response from inside.

As Agents maintained the perimeter, they overheard someone yell out from inside that they were coming out. Subjects Roberto GARCIA and Jaime Gonzalez PEREZ exited the target residence through the side access door. Agents detained both subjects for further investigation.

Not knowing if there were more subjects hiding inside the residence, Agents entered the residence for officer safety purposes and to secure the residence for further investigation. As they searched for more subjects, Agents observed several bundles of compressed marijuana, along with equipment and materials commonly used in the packaging of narcotics for distribution, in plain view in several rooms of the residence. No other subjects were found hiding inside the residence.

Once the residence was secured, ICE SSA Duane Cottrell, ICE SSA Mario Salinas, and ICE SSA Elias Aguilar made contact with both subjects outside the residence for further investigation. SSA Cottrell advised both subjects of their Miranda Rights in the Spanish language, which they both stated that they understood and voluntarily waived to speak freely with Agents. While speaking with both subjects, Agents detected the strong odor of marijuana emanating from the clothing of both subjects. Agents also observed marijuana residue on the clothing of both subjects.

Through subsequent interviews, both subjects admitted to having knowledge of the marijuana that was observed inside the residence. Neither subject wished to provide information regarding the owner of the marijuana or the residence.

Agents requested consent from both GARCIA and PEREZ, who were both in care, custody, and control of the residence at the time, for purposes of searching and recovering all of marijuana evidence that was observed inside. Both subjects provided SSA Cottrell with verbal consent to search the residence, as witnessed by SSA Salinas and SSA Aguilar.

Upon receiving consent to search, Agents searched and recovered a total of forty-one (41) bricks of compressed marijuana weighing 179.5 kilograms. Agents observed various tools, which included a table saw and steel press that was operated by several heavy duty air jacks. Agents observed both large and small bundles of marijuana.

Based on their observations, it was determined that the subjects were breaking down the larger bundles, into the smaller ones, for purposes of easier concealment. It was evident that the tools were being used to accomplish this task. Agents also recovered several tally sheets that listed various amounts of bundles and weights, which were being used to total the quantity of marijuana that was being repackaged. All marijuana and other evidence was photographed and/or recovered from the scene.

Both subjects were subsequently arrested and charged with violation of 21USC841.